

INSTRUCTIONS FOR FILING A LIVE TREE REMOVAL APPLICATION

PURPOSE

The purpose of this process is to promote the health, safety, and welfare of the city by controlling the removal of large trees in the city on private property, as trees enhance the scenic beauty of the city, significantly reduce the erosion of topsoil, contribute to increased storm water quality, reduce flood hazards and risks of landslides, increase property values, contribute to energy efficiency and the reduction of urban temperatures, serve as wind-breaks and are prime oxygen producers and air purification systems. Please note that the City has different permit processes for the removal of street trees (located between the curb and sidewalk), dead trees, and trees of a particular species and on-site location deemed "Unsuitable Trees".

Dead Trees:

- A dead tree requires a Dead Tree Removal Permit. This is an administrative permit and does not require a Director's Hearing. A Dead Tree Removal Permit application is available from the Planning Department.

Unsuitable Trees:

- An Unsuitable Tree requires an Unsuitable Tree Removal Permit. This is an administrative permit and does not require a Director's Hearing. An Unsuitable Tree Removal Permit application is available from the Planning Department.

Street Trees (Trees in the Public Right-of-Way):

- A common example of a tree on public property is a street tree that is located within the parkstrip or the area between the curb and the sidewalk. Permits to remove these trees are available online at the City of San Jose Department of Transportation website.

All other ordinance-sized trees (trees over 56 inches in circumference) on private property require a Live Tree Removal Permit and submittal of this application and other items as noted.

DEFINITIONS

A "tree" shall mean any live or dead woody perennial plant characterized by having a main stem or trunk which measures fifty-six (56) inches or more in circumference at a height of twenty-four (24) inches above natural grade slope.

A multi-trunk tree shall be considered a single tree and measurement of that tree shall include the sum of the circumference of the trunks of that tree at a height of twenty-four (24) inches above natural grade slope. (Per Chapter 13.32 of Title 13 of the San Jose Municipal Code.)

An "Unsuitable Tree" is a live tree or dead tree on a single family lot which is not a Heritage Tree, a candidate for a Heritage Tree, or a Palm tree in the Palm Haven Conservation Area. An Unsuitable Tree is one in which the tree trunk is five (5) feet or closer to an above-grade part of a single-family dwelling or the centerline of a below-grade utility pipe or line or belongs to a species found by the City Council to be uniquely less compatible with the immediate environment. These species are: Eucalyptus, Liquidambar, Palm, Pine, Tree of heaven, and Tulip.

INSTRUCTIONS

Please complete the attached application and deliver it to the Development Services Center, 1st floor, along with:

1. **Plot Plan.** One (1) copy of a legible plot plan of the property drawn to scale with the following: (Please see sample plot plan on page 5)
 - **Location** of existing buildings, driveways and accessory structures, powerlines, with dimensions.
 - **The type, size, and condition** of trees to be removed, with accurate dimensions showing the location of these trees. "Size" means the trunk circumference measured at two (2) feet above natural grade level.
 - **Replacement tree(s)** are required and must be shown on the Plot Plan. Show the location and size of the replacement tree(s).
 - **Show any other trees** on the property that are to remain.
2. **Provide photographs** (printed on 8 1/2" x 11" sheets of paper) which show the entire tree(s).
3. **Attach any evidence explaining why the tree(s) should be removed based on the following:**
 - a. That the tree affected is of a size, type and condition, and is in such a location in such surroundings, that its removal would not significantly frustrate the purposes of this chapter as set forth in Section 13.32.010; or
 - b. That the location of the tree with respect to

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a proposed improvement unreasonably restricts the economic development of the parcel in question; or

- c. That the condition of the tree with respect to disease, danger of falling, proximity to an existing or proposed structure, and/or interference with utility services, is such that preservation of the public health or safety requires its removal

- 4. Please indicate if the tree(s) to be removed are being used for nesting by birds or other animal species.

Certified Arborist's Report. In addition to the items required in Steps 1, 2, and 3, a report prepared by a Certified Arborist may be necessary but is not required with the original submittal.

Noticing the Neighborhood. Public Hearing Notices are prepared by the Department of Planning, Building and Code Enforcement. Public Hearing notices will be mailed for development proposals at least 10 calendar days before the date set for hearing for a project. Notices will be sent to all property owners and residents (adjacent for single family residences and 300 feet for all others).

5. FEES.

Fees are subject to change. Please refer to the FEE SCHEDULE for details regarding the break down of applicable filing and public noticing fees. The fee schedule is available at: <http://www.sanjoseca.gov/DocumentCenter/View/574>

PROCESSING and SCHEDULING

Planning Staff:

- Reviews application and materials (please note incomplete applications will be returned)
- Processes applications in order received
- Prepares a recommendation to the Director of Planning based on the Mandatory Findings. (City of San Jose Municipal Code, Title 13, Section 13.32.100)

Director of Planning:

- Reviews the recommendation and approves or denies the request.
- Will notify the Applicant of the Director's determination by mail.

Appeal:

- The appeal process only applies to live trees and trees that are not Unsuitable Trees. Any action by the Director may be appealed by the applicant, the property owners or adjacent property owners to the Planning Commission within ten (10) days after said notice is mailed to the Applicant.

ADDITIONAL INFORMATION

Director's Hearing:

- Notice of the time and place of the Director's Hearing will be mailed to the Applicant. These hearings are held on Wednesday mornings at 9 a.m. in the Council Chambers.

Heritage Trees:

- On June 14, 1986, the City Council created the Heritage Tree List. The Heritage Tree List provides for the official recognition and protection of trees on both private and public property that are of special significance to the community because of their history, girth, height, species or unique quality. To find out if the tree(s) you want to remove is a Heritage Tree, please go to this link: http://www.sanjoseca.gov/tree/trees_heritage.asp or contact the City Arborist at (408) 794-1915 or arborist@sanjoseca.gov

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TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)																
SITE ADDRESS OR LOCATION DESCRIPTION ASSESSOR'S PARCEL NUMBER(S) (Found on your tax bill or garbage bill)			STAFF USE ONLY FILE No: _____ FEE(S): _____ RECEIPT #: _____ DATE: _____ BY: _____													
CHECK EXISTING LAND USE: <input type="checkbox"/> INDUSTRIAL <input type="checkbox"/> RESIDENTIAL: <input type="checkbox"/> COMMERCIAL <input type="checkbox"/> SINGLE-FAMILY LOT <input type="checkbox"/> MIXED USE <input type="checkbox"/> TWO-FAMILY LOT <input type="checkbox"/> <input type="checkbox"/> MULTI-FAMILY LOT		TREE LOCATION: <input type="checkbox"/> PRIVATE LOT <input type="checkbox"/> IN COMMON AREA														
GROSS ACRES OF THE SITE: _____			Minimum Submittal Requirements: 1. Explain the reasons why the tree(s) should be removed on Page 2. 2. Attach ONE (1) copy of the PLOT PLAN. 3. Submit PHOTO(S) of TREE(S), printed in 8 1/2" x 11" sheets of paper. 4. FEES.													
NUMBER OF TREES TO BE REMOVED _____ <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;">TREE TYPE</th> <th style="width: 30%;">CIRCUMFERENCE AT 2 FT. ABOVE GRADE LEVEL</th> <th style="width: 40%;">DISTANCE FROM TRUNK TO DWELLING STRUCTURE OR UNDERGROUND UTILITY</th> </tr> </thead> <tbody> <tr> <td>TREE A _____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>TREE B _____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>TREE C _____</td> <td>_____</td> <td>_____</td> </tr> </tbody> </table>					TREE TYPE	CIRCUMFERENCE AT 2 FT. ABOVE GRADE LEVEL	DISTANCE FROM TRUNK TO DWELLING STRUCTURE OR UNDERGROUND UTILITY	TREE A _____	_____	_____	TREE B _____	_____	_____	TREE C _____	_____	_____
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TREE A _____	_____	_____														
TREE B _____	_____	_____														
TREE C _____	_____	_____														
ATTACH A SEPARATE SHEET OF PAPER TO DESCRIBE ADDITIONAL TREES.																
PRINT NAME OF PROPERTY OWNER(S) _____																
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">MAILING ADDRESS</td> <td style="width: 15%;">CITY</td> <td style="width: 15%;">STATE</td> <td style="width: 20%;">ZIP CODE</td> </tr> </table>					MAILING ADDRESS	CITY	STATE	ZIP CODE								
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DAYTIME TELEPHONE # ()		FAX # ()		E-MAIL ADDRESS												
SIGNATURE (AND PRINT NAME IF DIFFERENT THAN THE ABOVE PROPERTY OWNER) _____																
If signing with Power of Attorney, a copy of the document giving you Power of Attorney must be attached to this application. If there are additional property owners, please attach a separate sheet to provide the above information.																
TO BE COMPLETED BY PLANNING STAFF																
PREVIOUS PERMIT FILE:		COUNCIL DISTRICT	QUAD NO.	ZONING												

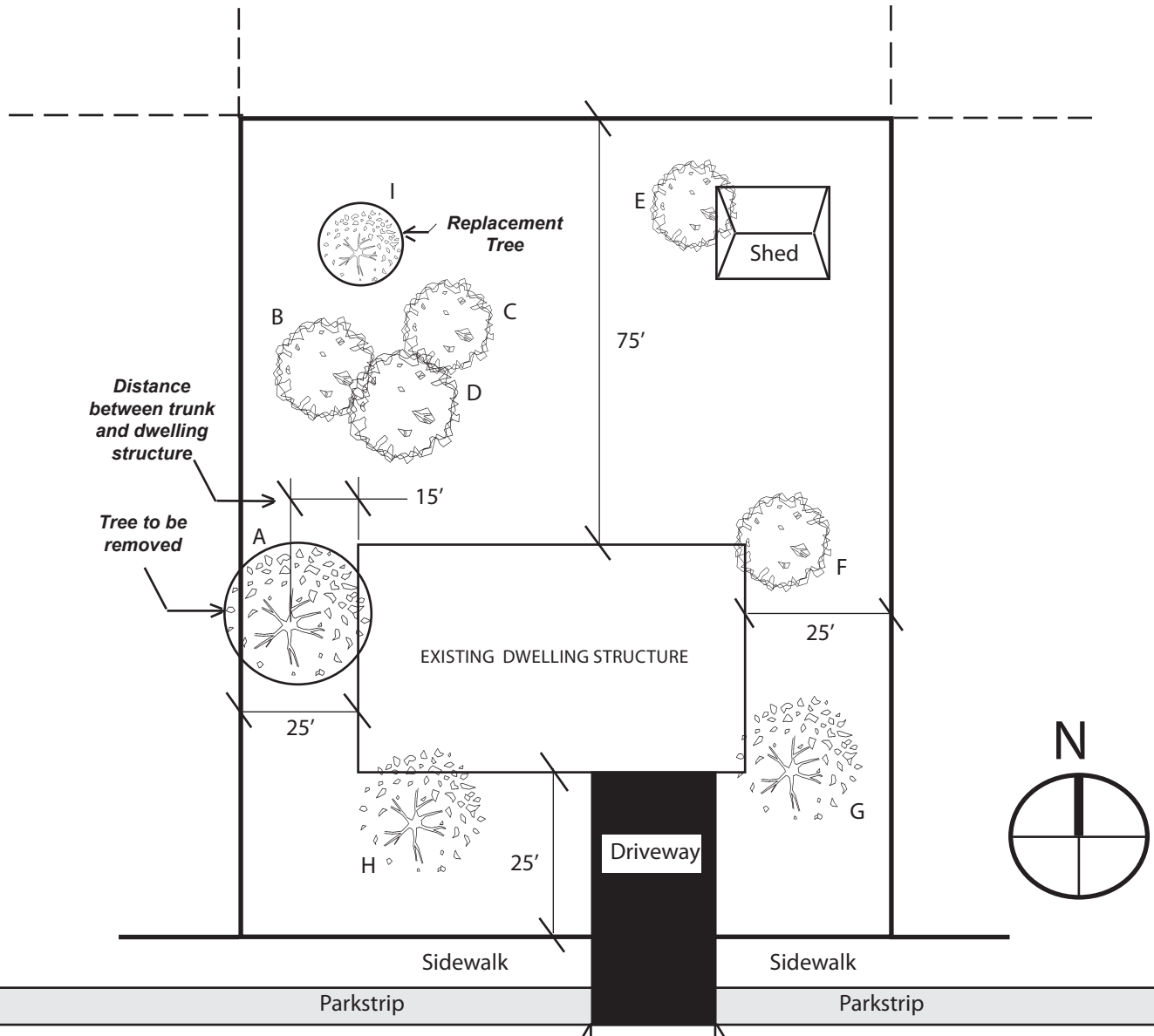
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CONTACT PERSON			
PRINT NAME OF CONTACT PERSON			
MAILING ADDRESS		CITY	STATE
ZIP CODE			
DAYTIME TELEPHONE # ()	FAX # ()	E-MAIL ADDRESS	
PLEASE USE THIS SPACE TO EXPLAIN THE REASONS WHY THE TREE(S) SHOULD BE REMOVED. ATTACH ADDITIONAL SHEETS IF NECESSARY. IF THE TREE IS DEAD, PLEASE PROVIDE SUPPORTING EVIDENCE AND/OR DOCUMENTATION.			
PLEASE INDICATE IF THE TREE(S) TO BE REMOVED ARE BEING USED FOR NESTING BY BIRDS OR ANIMAL SPECIES. PLEASE LIST SPECIES, NAMES, IF KNOWN.			

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SAMPLE PLOT PLAN



Roche Way

TYPE		Circumference in inches/replacement size	CONDITION	DISTANCE	STATUS
A	Ash	62	diseased	15ft	to be removed
B	Oak	26	healthy	10ft	to remain
C	Oak	22	"	"	"
D	Oak	30	"	"	"
E	Juniper	20	"	"	"
F	Juniper	20	"	"	"
G	Ash	50	"	"	"
H	Ash	52	"	"	"
I	Ash	1 15-gallon	healthy	replacement for tree 'A'	

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